REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 1, 2004. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected. By this response, claim 2 is amended, and claims 1 and 3-21 continue unamended.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are non-enabling, anticipated or obvious under the respective provisions of 35 U.S.C. §§112, 102 and 103.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Rejections

35 U.S.C. §112

The Examiner has rejected claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner has rejected claim 2 under 35 U.S.C. §112, second paragraph, because "there is no antecedent basis for the limitation 'the selected IPG page' in line 2." The Applicants respectfully traverse the rejection.

The Applicants have amended dependent claim 2 to change the feature "the selected IPG page" to "a selected IPG page". Accordingly, the Applicants submit that claim 2, as amended, is not indefinite and distinctly claims the subject matter which the Applicants regard as the invention. As such, the Applicants submit that dependent claim 2 fully satisfies the requirements under 35 U.S.C. §112 and is patentable thereunder. Therefore, the Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §102

Claims 1-10, 14-17 and 19-21

The Examiner has rejected claims 1-10, 14-17 and 19-21 under 35 U.S.C. §102(b) as being anticipated by Coleman et al. (U.S. 5,844,620 A, hereinafter "Coleman.") The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites (independent claims 14, 16 and 21 recite similar limitations):

> "A method for requesting information for an interactive program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions, the method comprising:
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> receiving at a terminal a selection for a particular region of a particular IPG page;
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> determining whether the selected region is currently received at the terminal; and
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> if the selected region is not currently received at the terminal, generating a request for the selected region, and
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> sending the request from the terminal to a server of an information distribution system." (emphasis added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Coleman reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

The Coleman reference discloses

> The scheduling information is typically organized by time slots within a particular day. The time slots can be any size, for example two, four, six, eight or 12 hours. For each event, a title can be provided together with the time at which the event is available. A description of the event can also be provided as part of the IPG data input via the operator interface. The IPG data processor outputs both a high-speed demand data stream 17 and a low-rate trickle data stream 19. The trickle stream is used to improve the responsiveness and user friendliness of the program guide function by ensuring that the memory in a subscriber's decoder always holds a database which is up-to-date for current programming and can be

> used to facilitate the provision of a "mini-guide" display option, where a partial program guide is displayed over a small portion of a user's television screen while the rest of the screen continues showing television programs or other available services. Whenever a user desires to view a portion of the program guide database that is not stored in the decoder memory, the desired portion is acquired from the high speed demand stream. Thus, trickle data does not need to be present for programs scheduled father in the future than can be held in the available decoders having the largest IPG RAM allocation. All other data is provided via the demand stream. It should be appreciated that such a mini-guide can also be provided without the provision of a trickle stream. (see Coleman, column 6, lines 23-48).

Accordingly, the Coleman reference discloses that subscribers may receive at their set top terminal a high speed demand data stream or a low rate trickle data stream where each stream is capable of providing an IPG page for viewing. Specifically, a plurality of database pages is provided for communication over the information network. Each page corresponds to a particular time slot, includes data defining the titles and description of events offered during the time slot to which that page pertains. The database pages contain schedule data for time periods beyond a current period, for example for a week or more beyond the current date. A separate stream of data is provided with schedule information for the current time period, e.g., the current day or a two-day, 40-8 hour period. The separate stream has it own PID and provides the schedule information for the current time period at a rate which is slower than the rate at which the schedule data carried in the database pages are provided. In particular, the data for the current time period is provided in a low rate "trickle data stream" and stored in the RAM of the subscriber set top box or the like. The data for future time periods is carried in a "demand data stream" which carries the data at a much higher rate and can be acquired on a real-time basis in response to a subscriber's request for future scheduling information. A guide display area is provided on a primary display area of a device associated with a network in response to a user command, wherein the guide display area comprises a portion of the primary display area. The guide display area provides information on the attributes of the programming of at least one of the programming services (i.e., channels), and is switchable in response to a user command to provide information on the attributes of the programming of at least one

other of the programming services. The primary viewing channel can be reformatted to reduce it in size to allow the user to view all of the primary channel while also accessing the guide. This allows a user to access the guide with the possibility of viewing the programming displayed on a primary display area in whole. Additionally, the guide display and overlap portion of the primary display can be blended. Thus, a user may easily select a partial overlay guide display with or without blending, a full guide display, or return to a non-display status by simply pressing a button on a handheld remote control. (see Coleman, column 4, line 25 to column 5, line 27).

Nowhere in the Coleman reference is there any teaching or suggestion of the Applicants' claimed feature of each IPG page includes a plurality of defined regions, and receiving at a terminal a selection for a particular region of a particular IPG page. That is, Coleman merely discloses that current IPG information is sent at a slow rate to be stored in memory at the set top box, while future IPG information is sent at a high speed rate for real time decoding and display on the user's display. In other words, each stream sent by the provider equipment at the headend includes independent and distinct IPG page information. The Examiner has mistakenly identified the selection of a particular time slot in the displayed IPG page as being one of a plurality of regions in the IPG page. That is, column 14, lines 2-4 of Coleman merely disclose that a user may select future scheduling information by using an exemplary remote control to access the demand data stream, as opposed to accessing current information that is stored in the RAM of the set top terminal. Thus, the selection of particular time slots of future scheduling information carried in the demand data stream does not represent receiving at a terminal a selection for a particular region of a particular IPG page.

The user's request for information regarding future time slots by accessing the demand data stream enables the user to receive an entirely different IPG page from the presently displayed IPG page stored in the memory of the set top terminal via the trickle data stream. In other words, the user in Coleman is able to toggle between a current IPG page and a future IPG page which may be either displayed fully on the screen or overlayed a program currently being shown to the user. It is noted that such program being shown to the user is not part of the IPG, but rather is a program that has been

selected by the user for viewing such as a movie, advertisement, or such other type of content that is not considered part of the IPG.

Accordingly, since the Coleman reference fails to teach, or even suggest, that each of the IPG pages include a plurality of defined regions, the ability of a user to select, at a terminal, a particular region of a particular IPG page, generating a request for the selected region, and sending the request from the terminal to the server of an information distribution system, the Coleman reference fails to teach each and every element of the claimed invention as arranged in the claim.

As such, the Applicants submit that independent claims 1, 14, 16, 19 and 21 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-10, 15 and 20 depend, either directly or indirectly, from independent claims 1, 14, 16, 19 and 21 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claim 13

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Coleman. The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Coleman reference fails to teach or suggest the Applicants' invention as a whole.

Claim 13 depends from independent claim 1 and recites additional features therefrom. In particular, dependent claim 13 recites in part

> "A method for requesting information for an interactive program guide (IPG), wherein the IPG is provided via a plurality of IPG pages and each IPG page includes a plurality of defined regions, the method comprising:
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> receiving at a terminal a selection for a particular region of a particular IPG page;
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> determining whether the selected region is currently received at the terminal; and
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> if the selected region is not currently received at the terminal, generating a request for the selected region, and
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> sending the request from the terminal to a server of an information distribution system." (emphasis added).

As discussed above, the Coleman reference discloses sending current IPG data to set top terminals via a trickle data stream and sending future IPG information via a demand data stream, wherein a user is able to select current or future IPG data to be displayed as an IPG page on their display device. Nowhere in the Coleman reference is there any teaching or suggestion of "each IPG page includes a plurality of defined regions," and "receiving at a terminal a selection for a particular region of a particular IPG page." That is, as discussed above with respect to the 35 U.S.C. §102 rejection, Coleman is completely silent with respect to teaching or suggesting the plurality of regions forming each of the IPG pages. Rather, Coleman merely discloses that each IPG page includes guide information such as month, day and time slot of the program information being viewed. Program titles and a description of the programming can be displayed. Furthermore, various icons or colors can be used to indicate program attributes such as closed-captioning, colorization, black and white, stereo, among other icons (see Coleman, column 3, lines 43-62).

Nowhere in the Coleman reference is there any teaching or suggestion that any of such information in the IPG page of Coleman is formed or defined into a plurality of regions, and such regions are capable of being selected by an end user, besides a particular channel the user wishes to view. In other words, although each time slot may have additional information associated therewith, nowhere in the Coleman reference is there any teaching or suggestion that each IPG page includes a plurality of defined regions, and the user is able to select at the terminal a particular region of a particular IPG page, and if the selected region is not currently being received at the terminal, the

terminal generates a request for the selected region and sends a request from the terminal to a server of an information distribution system. By contrast, the Coleman reference merely discloses that a user may select a current IPG page from a first data stream to select a particular channel for viewing, or choose a second IPG page from a second data stream to view future programming. Therefore, the Coleman reference fails to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 and dependent claim 13 which depends directly from independent claim 1 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 11, 12 and 18

The Examiner has rejected claims 11, 12 and 18 under 35 U.S.C. §103(a) as being unpatentable over Coleman in view of Reynolds et al. (U.S. Patent 6,563,515 B1 hereinafter "Reynolds"). The Applicants respectfully traverse the rejection.

Claims 11, 12, and 18 depend from independent claims 1 and 14 and recite additional features therefrom. The combination of Coleman and Reynolds fails to teach or suggest "each IPG page includes a plurality of defined regions," and "receiving at a terminal a selection for a particular region of a particular IPG page."

As discussed above, the Coleman reference discloses sending current IPG data to set top terminals via a trickle data stream and sending future IPG information via a demand data stream, wherein a user is able to select current or future IPG data to be displayed as an IPG page on their display device. Nowhere in the Coleman reference is there any teaching or suggestion of "each IPG page includes a plurality of defined regions," and "receiving at a terminal a selection for a particular region of a particular IPG page." That is, as discussed above with respect to the 35 U.S.C. §102 rejection, Coleman is completely silent with respect to teaching or suggesting the plurality of regions forming each of the IPG pages. Rather, Coleman merely discloses that each IPG page includes guide information such as month, day and time slot of the program information being viewed. Program titles and a description of the programming can be displayed. Furthermore, various icons or colors can be used to indicate program

attributes such as closed-captioning, colorization, black and white, stereo, among other icons (see Coleman, column 3, lines 43-62).

Nowhere in the Coleman reference is there any teaching or suggestion that any of such information in the IPG page of Coleman is formed or defined into a plurality of regions, and such regions are capable of being selected by an end user, besides a particular channel the user wishes to view. In other words, although each time slot may have additional information associated therewith, nowhere in the Coleman reference is there any teaching or suggestion that each IPG page includes a plurality of defined regions, and the user is able to select at the terminal a particular region of a particular IPG page, and if the selected region is not currently being received at the terminal, the terminal generates a request for the selected region and sends a request from the terminal to a server of an information distribution system. By contrast, the Coleman reference merely discloses that a user may select a current IPG page from a first data stream to select a particular channel for viewing, or choose a second IPG page from a second data stream to view future programming. Therefore, the Coleman reference fails to teach or suggest the Applicants' invention as a whole.

Furthermore, the Reynolds reference does not bridge the substantial gap between the Coleman reference and the Applicants' invention. Specifically, the Reynolds reference discloses

> In order to watch a video clip of a future program, the viewer may need to direct the program guide to request a video clip for that program. Such video clips may be provided from a video server or other suitable television distribution device located at distribution facility 36 or at a network node associated with television distribution facility 36. Program guide display 70 may display an icon such as icon 79 to indicate that a particular program has an available video clip. (see Reynolds, column 10, lines 21-29).

Even if the two references could somehow be operably combined, the combination would merely disclose sending future programming information of an IPG page via a demand data stream and in order to watch a video clip of a future program, the viewer may need to direct the program guide to request a video clip for that program. Nowhere in the combined references is there any teaching or suggestion of

"each IPG page includes a plurality of defined regions," and "receiving at a terminal a selection for a particular region of a particular IPG page." Therefore, the combination of Coleman and Reynolds fails to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claims 1 and 16 and dependent claims 11, 12 and 18 which depend directly or indirectly from independent claims 1 and 16 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application are non-enabling, anticipated or obvious under the respective provisions of 35 U.S.C. §112, §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 2/28/05

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